

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

**BILLY WAYNE BOYD and  
HEARDIA SEN BOYD,**

**Plaintiffs,**

**V.**

**STATE FARM FIRE AND CASUALTY  
COMPANY,**

**Defendant.**

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**No. \_\_\_\_**

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**NOTICE OF REMOVAL**

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Defendant, STATE FARM FIRE AND CASUALTY COMPANY, hereby notifies the Judges of the United States District Court for the Western District of Tennessee, the clerk of the Circuit Court of Shelby County, Tennessee and Plaintiffs, BILLY WAYNE BOYD and HEARDIA SEN BOYD, that the action described herein and filed in the Circuit Court of Shelby County, Tennessee, is removed to the United States District Court for the Western District of Tennessee, Western Division pursuant to 28 U.S.C. § 1441.

1. On June 30, 2011, Plaintiffs, Billy Wayne Boyd and Heardia Sen Boyd, filed a civil action bearing Docket No. CT - 003101-11, Division VIII, against the Defendant, State Farm Fire and Casualty Company, in the Circuit Court of Shelby County, Tennessee. Service of the complaint and summons was made upon the Defendant through the State of Tennessee Department of Commerce and Insurance on July 11, 2011, by certified mail.

2. This action is filed by Plaintiffs for proceeds allegedly due under a contract of insurance written by Defendant, State Farm Insurance Company, insuring

Plaintiffs' residence and contents in Shelby County, Tennessee, which property was allegedly destroyed by a fire occurring on or about July 1, 2010. Plaintiffs also make claims of statutory bad faith, fraud and/or misrepresentation, and violation of the Tennessee Consumer Protection Act.

3. Petitioner seeks removal of this action to this Court upon the grounds that the controversy is wholly between citizens of different states and involves an amount in controversy which exceeds Seventy-five Thousand Dollars (\$75,000.00), exclusive of the interest and costs, 28 U.S.C. § 1332. Specifically, the Complaint alleges that the building and contents were destroyed by fire and on page six and seven (6-7) of the Complaint requests an award of \$200,000.00 in compensatory damages, \$1,000,000.00 in punitive damages, and 600,000.00 in treble damages.

4. Plaintiffs are residents and citizens of the State of Tennessee and were residents and citizens of the State of Tennessee at the time of the filing of this action and at the time of removal. Defendant, State Farm Fire and Casualty Company, is a corporation incorporated in Illinois, with its principal place of business in Bloomington, McLean County, Illinois. The amount in controversy exceeds Seventy-Five Thousand Dollars (\$75,000.00), exclusive of interest and costs.

5. This notice is filed within the time prescribed by 28 U.S.C. §1446(b).

6. A copy of the Summons and Complaint, being all the papers served upon the Defendant, is attached hereto.

WHEREFORE, Notice is hereby given that the said civil action number CT-003101-11 is removed from the Circuit Court of Shelby County, Tennessee, to this Honorable Court.

Respectfully submitted,

RAINEY, KIZER, REVIERE & BELL, P.L.C.

s/Russell E. Reviere  
Russell E. Reviere (07166)  
Attorney for Defendant  
209 East Main Street  
P. O. Box 1147  
Jackson, TN 38302-1147  
(731) 423-2414

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was forwarded first class U.S. Mail, postage prepaid to Kevin A. Snider, 9056 Stone Walk Place, Corporate Gardens, Germantown TN, 38138 - 7824, counselor of record for Plaintiffs, and by electronic means via the Court's electronic filing system.

This the 20th day of July, 2011.

s/ Russell E. Reviere